

1 Sara B. Allman, Esq. CSB #107932
2 Paul A. Conroy, Esq. CSB #84527
3 ■Allman & Nielsen, P.C. ■
4 100 Larkspur Landing Circle, Suite 212
5 Larkspur, CA 94939
6 Telephone: 415.461.2700
7 Facsimile: 415.461.2726

8 Attorneys for Defendants
9 ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION AND SPECIALLY
10 APPEARING DEFENDANTS CHARLES BLAKENEY AND PURPORTED
11 ENTITIES ROCKRIDGE MANOR CONDOMINIUM AND ROCKRIDGE MANOR
12 BOARD OF DIRECTORS

13 IN THE UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 CHRISTINE CHANG, individually and as Guardian ad
16 Litem for ERIC SUN, disabled

17 Plaintiffs,

18 v.

19 ROCKRIDGE MANOR CONDOMINIUM, ROCKRIDGE
20 MANOR HOMEOWNERS ASSOCIATION;
21 ROCKRIDGE MANOR BOARD OF DIRECTORS;
22 ROCKRIDGE MANOR PRESIDENT OF BOARD OF
23 DIRECTORS CHARLES BLAKENEY; ROCKRIDGE
24 MANOR MANAGER EVA AMMANN; TRUCK
25 INSURANCE EXCHANGE; AND DOES 1-30, inclusive,
26 JOINER

27 UNIVERSITY OF CALIFORNIA BERKELEY; UC
28 BERKELY CHANCELLOR ROBERT BIRGENEAU; UC
29 BERKELEY PUBLIC RECORDS COORDINATOR
30 ALAN KOLLING; UC BERKELEY GENERAL
31 COUNSEL SUSAN VON SEEBURG; UC BERKELEY
32 POLICE DEPARTMENT CHIEF VICTORIA
HARRISON; UC BERKELEY POLICE DEPARTMENT
LIEUTENANT ADAN TEJADA; UC BERKELEY
POLICE DEPARTMENT MANAGER TOM KLATT; UC
BERKELY POLICE DEPARTMENT DISPATCHER
CONSTANCE PEPPERS CELAYA; and DOES 31-60,
inclusive,

JOINER

PAMELA ZIMBA, ATTORNEY AT LAW; ALBERT
COOMBES, ATTORNEY AT LAW; and DOES 61-90,
inclusive,

Defendants

Case No.: C07-4005 EMC

**NOTICE OF MOTION AND MOTION
OF DEFENDANTS ROCKRIDGE
MANOR HOMEOWNERS'
ASSOCIATION, CHARLES
BLAKENEY, ROCKRIDGE MANOR
CONDOMINIUM AND ROCKRIDGE
MANOR BOARD OF DIRECTORS
FOR AN ORDER SETTING ASIDE
ENTRY OF DEFAULT AND FOR
LEAVE TO FILE MOTION TO
DISMISS AND MOTION FOR
SUMMARY JUDGMENT (FRCP,
RULE 55(c))**

Date:

Time:

Room: C

Judge: Magistrate Judge Edward M. Chen

**NOTICE OF MOTION AND MOTION OF DEFENDANTS
ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION,
CHARLES BLAKENEY, ROCKRIDGE MANOR CONDOMINIUM
AND ROCKRIDGE MANOR BOARD OF DIRECTORS FOR AN
ORDER SETTING ASIDE ENTRY OF DEFAULT AND FOR
LEAVE TO FILE MOTION TO DISMISS AND MOTION FOR
SUMMARY JUDGMENT (FRCP, RULE 55(c))**

ALLMAN & NIELSEN, P.C.
100 Larkspur Landing Circle, Suite 212
Larkspur, CA 94939
Telephone: 415.461.2700 Facsimile: 415.461.2726

To plaintiffs Christine Chang and Eric Sun:

Please take notice that on the date and time set forth above, in courtroom C of the above-entitled court before Magistrate Judge Edward M. Chen, defendants Rockridge Manor Homeowners Association and defendants specially appearing for the purpose of setting aside the default, Charles Blakeney, Rockridge Manor Condominium and Rockridge Manor Board of Directors, will move the court for an order setting aside the default entered against them in this matter and permitting defendant Rockridge Manor Homeowners' Association leave to present its Motion for Summary Judgment and Motion to Dismiss.

This motion will be based upon the accompanying Memorandum of Points and Authorities, the accompanying declarations of Paul A. Conroy, Adelio Zunino, Charles Blakeney and Scott Halbrook, the pleadings and other matters on file in this action, defendants' Request for Judicial Notice in Support of Summary Judgment, the accompanying moving papers filed in support of defendant Rockridge Manor Homeowners' Association's Motion to Dismiss and Motion for Summary Judgment and upon such other evidence and argument as may be presented at the hearing of this motion. This motion is made pursuant to Federal Rules of Civil Procedure, Rule 55 (c) on the grounds that good cause exists for setting aside the defaults entered against moving parties.

Dated: November 2, 2007

ALLMAN & NIELSEN, P.C.

By:  Paul A. Conroy

Paul A. Conroy

Attorney for Defendant

ROCKRIDGE MANOR

HOMEOWNERS' ASSOCIATION

**NOTICE OF MOTION AND MOTION OF DEFENDANTS
ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION,
CHARLES BLAKENEY, ROCKRIDGE MANOR CONDOMINIUM
AND ROCKRIDGE MANOR BOARD OF DIRECTORS FOR AN
ORDER SETTING ASIDE ENTRY OF DEFAULT AND FOR
LEAVE TO FILE MOTION TO DISMISS AND MOTION FOR
SUMMARY JUDGMENT (FRCP, RULE 55(c))**

ALLMAN & NIELSEN, P.C.
100 Larkspur Landing Circle, Suite 212
Larkspur, CA 94939
Telephone: 415.461.2700 Facsimile: 415.461.2726

PROOF OF SERVICE

I am a citizen of the United States and employed in Marin County, California. I am over the age of eighteen years and not a party to the within action. My business address is 100 Larkspur Landing Circle, Suite 212, Larkspur, California 94939-1743.

On this date I served the foregoing documents described as:

NOTICE OF MOTION AND MOTION OF DEFENDANTS ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION, CHARLES BLAKENEY, ROCKRIDGE MANOR CONDOMINIUM AND ROCKRIDGE MANOR BOARD OF DIRECTORS FOR AN ORDER SETTING ASIDE ENTRY OF DEFAULT AND FOR LEAVE TO FILE MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT (FRCP, RULE 55(c))

on the interested parties in the action by placing [] the original [x] a true copy thereof, enclosed in a sealed envelope addressed as follows:

Christine Chang
341 Tideway Drive #214
Alameda, CA 94501
Telephone (510) 769-8232

Pro Se, individually and as Guardian ad Litem
for ERIC SUN, disabled

Gaylyn Kim Conant
LOMBARDI, LOPER & CONANT, LLP
Lake Meritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612
Telephone: (510) 433-2600
Facsimile: (510) 433-2699

Attorney for Defendants
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, ROBERT BIRGENEAU,
CONSTANCE PEPPERS CELAYA, ADAN
TEJADA, VICTORIA HARRISON, ALLAN
KOLLING, TOM KLATT AND SUSAN VON
SEEBURG

Lee J. Danforth
Coddington Hicks & Danforth
555 Twin Dolphin Drive Suite 300
Redwood City CA 94065
Telephone: (650) 592-5400

[] **BY MAIL:** I deposited such envelope with postage thereon fully prepaid in the mailbox regularly maintained by the delivery service carrier at Larkspur, California.

[] **BY PERSONAL SERVICE:** I delivered such envelope by hand to the addressee.

[] **BY FACSIMILE:** I sent such document via facsimile to the facsimile machine of the addressee.

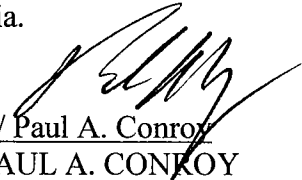
**NOTICE OF MOTION AND MOTION OF DEFENDANTS
ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION,
CHARLES BLAKENEY, ROCKRIDGE MANOR CONDOMINIUM
AND ROCKRIDGE MANOR BOARD OF DIRECTORS FOR AN
ORDER SETTING ASIDE ENTRY OF DEFAULT AND FOR
LEAVE TO FILE MOTION TO DISMISS AND MOTION FOR
SUMMARY JUDGMENT (FRCP, RULE 55(c))**

ALLMAN & NIELSEN, P.C.
100 Larkspur Landing Circle, Suite 212
Larkspur, CA 94939
Telephone: 415.461.2700 Facsimile: 415.461.2726

1 [x] **BY E-MAIL:** I transmitted a true electronic copy of the foregoing documents by e-mail to
2 Christine Chang's e-mail address: Christie1chang@peoplepc.com, Gaylyn Kirn Conant's
3 email address: gkc@llcllp.com, and Lee Danforth's email address:
4 LDanforth@CHDLAWYERS.com

5 I declare under penalty of perjury under the laws of the State of California that the foregoing
6 is true and correct to the best of my knowledge.

7 Executed on November 2, 2007, at Larkspur, California.

8 
9 /s/ Paul A. Conroy
10 PAUL A. CONROY
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

31 **NOTICE OF MOTION AND MOTION OF DEFENDANTS**
32 **ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION,**
CHARLES BLAKENEY, ROCKRIDGE MANOR CONDOMINIUM
AND ROCKRIDGE MANOR BOARD OF DIRECTORS FOR AN
ORDER SETTING ASIDE ENTRY OF DEFAULT AND FOR
LEAVE TO FILE MOTION TO DISMISS AND MOTION FOR
SUMMARY JUDGMENT (FRCP, RULE 55(c))

AULMAN & NIELSEN, P.C.
100 Larkspur Landing Circle, Suite 212
Larkspur, CA 94939
Telephone: 415.461.2700 Facsimile: 415.461.2726